G^II R

Acts and Laws

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boſton* upon Wedneſday the twenty-fifth Day of *May* 1743, and continued by Adjournment to Thurſday the eighth Day of *September* following.

An Act for eſtabliſhing and regulating Fees within this Province.

Preamble. *WHEREAS ſome Services of a publick Nature have no Fees ſtated by Law, and others which have been eſtabliſhed by two Acts made in the fourth and thirteenth Years of King* William *the Third, by Reaſon of the Alteration of Circumſtances are become unequal:*

Rates of Fees for Officers. **Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives,** That from and after the Publication of this Act the following Fees in Bills of Credit emitted for the Supply of the Treaſury in the Year *One Thouſand ſeven Hundred and forty one*, or in other Province Bills, or Gold or Silver in Proportion (at the Choice of the Payer) may be taken for the future, *viz.*

Juſtices Fees.

FOR granting a Writ Summons or original Summons, *ſix pence.*	0	0	6
Subpæna for each Witneſs, *one penny and a half penny.*	0	0	1½
Entring an Action or Complaint, *one ſhilling and ſix Pence.*	0	1	6
Writ of Execution, *one ſhilling.*	0	1	0
Filing Papers, each *one penny.*	0	0	1
Taxing a Bill of Coſt, *three pence.*	0	0	3
Entring up Judgment in Civil or Criminal Caſes, *nine pence.*	0	0	9
Bond for Appeal, *ſix pence.*	0	0	6
Copy of every Evidence, original Papers or Records, *ſix pence* per Page for each Page of twenty eight Lines eight Words in a Line; if leſs than a Page, *three pence.*	0	0	9
Each Recognizance, *one ſhilling.*	0	1	0

Confeſſing Judgment, *ſix pence.*	0	0	6
Affidavit out of Court in order to the Trial of any Cauſe, *one ſhilling.*	0	1	0
In other Cauſes together with Certificate examining and entry, *ſix pence.*	0	0	6
Acknowledging an Inſtrument with one or more Seals provided it be done at one and the ſame time, *one ſhilling.*	0	1	0
A Warrant, *ſix pence.*	0	0	6
Each Day's Attendance at the Seſſions to be paid out of the Fines, *two Shillings.*	0	2	0
Allowance to the Party for whom Coſts ſhall be taxed, *one ſhilling* per Day, ten Miles travel to be accounted a Day.	0	1	0
For Witneſſes in civil Cauſes *one ſhilling and ſix pence* per Day, and ten Miles travel to be accounted a Day.	0	1	6
Taking Affidavits in perpetuam, *one ſhilling* to each Juſtice.	0	1	0

Coroners Fees.

FOR ſerving a Writ Summons or Execution and travelling Fees the ſame as Sheriffs.			
Bail Bond, *ſix pence.*	0	0	6
Every Trial where the Sheriff is concerned, *nine Pence.*	0	0	9
Taking an Inquiſition to be paid out of the Deceaſed's Eſtate, *ſix ſhillings and eight Pence,* for more than one at the ſame Time *ten ſhillings.*	0	6	8
If no Eſtate, then to be paid by the County Treaſurer *three ſhillings and four pence,* and for more than one, *five ſhillings.*	0	3	4
For travelling and Expences for taking an Inquiſition, each Day *ſix ſhillings.*	0	6	0
The Foreman of the Jury, *three ſhillings,* and ten Miles accounted a Day's travel, *one ſhilling.*	0	1	0
Every other Juror, *two ſhillings and ſix pence.*	0	2	6
Travel the ſame.			

Judge of Probate and Regiſter's Fees.

FOR granting Adminiſtration or Guardianſhip, Bonds and Letters of Adminiſtration or Guardianſhip			
To the Judge, *two ſhillings.*	0	2	0
To the Regiſter for writing Bond of Adminiſtration or Guardianſhip, *one ſhilling and nine pence.*	0	1	9
For writing Letter of Adminiſtration or Letters of Guardianſhip *one ſhilling and ſix pence.*	0	1	6
For granting Guardianſhip of divers Minors to the ſame Perſon and at the ſame Time; To the Judge for each Minor, *one ſhilling*; to the Regiſter for each Letter of Guardianſhip and Bond as before.			
Proving a Will or Codicil, *one ſhilling and nine pence* to the Judge, and *one ſhilling and three pence* to the Regiſter.	0	3	0
Recording a Will, Letter of Adminiſtration or Guardianſhip, Inventory or Accompt of one Page and filing the ſame, *one ſhilling and three pence.*	0	1	3
For every Page more of twenty eight Lines of eight Words in a Line, *nine pence.*	0	0	9
For Copy of a Will or Inventory, the ſame for each Page as before.			
Allowing Accompts *two ſhillings and ſix pence,* Decree for ſettling of Inteſtate Eſtates, to the Judge *two ſhillings and ſix pence.*	0	5	0

To

To the Regiſter for examining ſuch Accompts, *one ſhilling.*	0	1	0
Every Citation to the Regiſter, *nine pence.*	0	0	9
Every Quietus, to the Judge *one ſhilling*, to the Regiſter, *one ſhilling.*	0	2	0
Warrant or Commiſſion for apprizing or dividing Eſtates, *one ſhilling* to the Judge, *one ſhilling* to the Regiſter.	0	2	0
Making out Commiſſion to receive and examine the Claims of Creditors in inſolvent Eſtates, to the Judge *one ſhilling*, and to the Regiſter *one ſhilling.*	0	2	0
For recording the ſame *one ſhilling and three pence.*	0	1	3
Regiſtring the Commiſſioners Report each Page *nine pence*, as above.	0	0	9
Making out and entring an Order upon the Adminiſtrator to pay out the Eſtate to the ſeveral Creditors in proportion returned by the Commiſſioners *one ſhilling.*	0	1	0
For proportioning ſuch Eſtate among the Creditors agreeable to the Commiſſioners Return when the Eſtate exceeds not *fifty Pounds*, to the Regiſter *two ſhillings.*	0	2	0
And above that Sum *three Shillings.*	0	3	0
For recording the ſame *nine pence* per Page as before.			

In the Superiour Court.

Juſtices Fees.

ENtring every Action *five ſhillings.*	0	5	0
Taking every ſpecial Bail, *one ſhilling.*	0	1	0
Allowing a Writ of Error, *one ſhilling and ſix pence.*	0	1	6
Allowing a Habeas Corpus, *one ſhilling.*	0	1	0
Taxing a Bill of Coſt, *ſix pence.*	0	0	6
Attorney's Fee to be allowed in the Bill of Coſt taxed, *ſix ſhillings.*	0	6	0
Granting Liberty for the Sale of Land or Eſtates Teſtate, *two ſhillings.*	0	2	0
On receiving each Petition, *one ſhilling.*	0	1	0

Clerks Fees.

ON entring every Action, *one ſhilling.*	0	1	0
Every Writ of Scire Facias, *one ſhilling and ſix pence.*	0	1	6
Every Writ of Review *two ſhillings and ſix pence.*	0	2	6
If more than one Page, *ſix pence* per Page, as before.	0	0	6
Entring of every Rule of Court, *ſix pence.*	0	0	6
Filing a Declaration, *ſix pence.*	0	0	6
Entring Appearance, *three pence.*	0	0	3
Signing a Judgment by Default, *ſix pence.*	0	0	6
Receiving and recording a Verdict, *ſix pence.*	0	0	6
Copies of all Records each Page of twenty eight Lines eight Words in a Line, *ſix pence.*	0	0	6
If leſs than one Page, *ſix pence.*	0	0	6
Every Action withdrawn or Non-ſuit, *ſix pence.*	0	0	6
Every Petition read, *ſix pence.*	0	0	6
Order thereon, *ſix pence.*	0	0	6
Filing the Papers of each Cauſe *one penny* per Paper.	0	0	1
Every Execution, *one ſhilling.*	0	1	0
Writ of Habeas Corpus, *two ſhillings.*	0	2	0
Drawing Bail Bond, *one ſhilling.*	0	1	0
Confeſſing Judgment, *one ſhilling.*	0	1	0
Acknowledging Satisfaction of a Judgment on Record, *ſix pence.*	0	0	6
Examining each Bill of Coſt, *ſix pence.*	0	0	6

Continuing each Cauſe and entring the next Term, *ſix pence.*	0	0	6
Entring up Judgment and copying the ſame, *one ſhilling.*	0	1	0
To each Venire to be paid out of the County Treaſuries reſpectively by order from any three of the Juſtices of ſaid Court, *three pence.*	0	0	3

In the Inferiour Court of Common Pleas and Court of General Seſſions.

Juſtices Fees.

Entry of every Action, *four ſhillings.*	0	4	0
Taxing a Bill of Coſt, *ſix pence.*	0	0	6
Attorney's Fee to be allow'd in the Bill of Coſt taxed, *five ſhillings.*	0	5	0
Taking the Recognizance on Appeals, *ſix pence.*	0	0	6
Each Recognizance in granting Licences, *one ſhilling.*	0	1	0
Proving each Deed, *two ſhillings.*	0	2	0
Granting every Licence for publick Entertainment or Retailing, *one ſhilling.*	0	1	0

Clerks Fees.

Every Action entred, *one ſhilling.*	0	1	0
Every Writ and Seal, *ſix pence.*	0	0	6
Every Appearance, *three pence.*	0	0	3
Entring and rendring a Verdict, *ſix pence.*	0	0	6
Recording a Judgment, *one ſhilling.*	0	1	0
Copies of all Records each Page as before, *ſix pence.*	0	0	6
Every Action withdrawn, or Nonſuit, *ſix pence.*	0	0	6
Every Execution, *one ſhilling.*	0	1	0
Taking ſpecial Bail *one ſhilling*, Confeſſing Judgment or Default, *ſix pence.*	0	1	6
Acknowledging Satiſfaction of a Judgment on Record, *ſix pence.*	0	0	6
Writ of Habeas Corpus *two ſhillings*, continuing each Cauſe and Entry at the next Court, *ſix pence.*	0	2	6
Entring up Judgment and Copying, *one ſhilling.*	0	1	0
Examining each Bill of Coſt, *ſix pence*, each Recognizance, *one ſhilling.*	0	1	6
Each Venire to be paid out of the County Treaſuries reſpectively by Order of Court, *three pence.*	0	0	3
Writ of Facias habere poſſeſſionem, *two ſhillings.*	0	2	0
Filing each Paper, *one penny.*	0	0	1

Clerk of the Seſſions Fees.

Entring a Complaint or Indictment, *one ſhilling.*	0	1	0
Diſcharging a Recognizance, *ſix pence.*	0	0	6
Each Warrant againſt Criminals, *ſix pence.*	0	0	6
Every Summons or Subpæna, *two pence.*	0	0	2
Every Recognizance for the Peace or good Behaviour, *one ſhilling.*	0	1	0
Granting every Licence for publick Entertainment or Retailing, *one ſhilling.*	0	1	0
For each Recognizance, *one ſhilling.*	0	1	0
Entring up Judgment or entring Satiſfaction of Judgment on Record and copying, *one ſhilling.*	0	1	0
Each Warrant for County Tax, *ſix pence.*	0	0	6
Recording each Marriage to be paid by the Town Clerks reſpectively, *three pence.*	0	0	3
For minuting the Receipt of each Petition and Order thereon and recording, *nine pence* per Page as before.	0	0	9

Examining

Examining and caſting the Grand Jurys Account yearly, and Order thereon to be paid by the County Treaſurer by Order of the Court of Seſſions, *one ſhilling and ſix pence.*	0	1	6
For Copies of all Original Papers or Records, *nine pence* per Page as before.	0	0	9
For filing each Paper.	0	0	1

Sheriffs or Conſtables Fees.

FOR ſerving an original Summons, *one Shilling.*	0	1	0
Every Capias or Attachment in Civil, or Warrants in Criminal Caſes for Trial, *one ſhilling.*	0	1	0
And for travel out and to return the Writ (the travel to be certified on the back of the Writ or original Summons) *one penny half penny* per Mile.	0	0	1½
Bail Bond, *ſix pence.*	0	0	6
Serving Execution in every perſonal Action, if twenty Pounds or under, *one ſhilling* per Pound; for all others not exceeding *forty Pounds, ſix pence* per Pound, for all others, not exceeding *One Hundred Pounds, four pence* per Pound; all others above *One Hundred Pounds, two pence* per Pound, the Fees to be in the ſame Money that the Execution is extended for.			
For travel out and to return the Execution *two pence* per Mile; the travel to be accounted from the Court-Houſe in each Shire Town in each County.	0	0	2
For giving Livery and Seizen of real Eſtates, *ſeven ſhillings and ſix pence.*	0	7	6
Travel as before, if of different parcels of Land, *five ſhillings* each.	0	5	0
Every Trial, *ſix pence.*	0	0	6
Every Default, *three pence.*	0	0	3
Every Precept for the Choice of Repreſentatives, *one ſhilling*, to be paid out of the County Treaſuries reſpectively.	0	1	0
To the Officer attending the Grand Jury each Day *one ſhilling & ſix pence.*	0	1	6

Cryers Fees.

CAlling the Jury, *three pence.*	0	0	3
Every Default or Nonſuit, *ſix pence.*	0	0	6
Every Verdict, *ſix pence.*	0	0	6
Every Judgment affirmed on a Complaint, *ſix pence.*	0	0	6

Goalers Fees.

FOR turning the Key on each Priſoner committed, *two ſhillings and ſix pence*, viz. *one ſhilling and three pence* in, and *one ſhilling and three pence* out.	0	2	6
For Dieting each Perſon, *three ſhillings* per Week.	0	3	0

Meſſenger of the Houſe of Repreſentatives Fees.

FOR ſerving every Warrant from the Houſe of Repreſentatives, which they may grant for arreſting, impriſoning or taking into Cuſtody any Perſon, *one ſhilling and ſix pence.*	0	1	6
For travel each Mile out *two pence* per Mile.	0	0	2
For keeping and providing Food for ſuch Perſon each Day, *two ſhillings and ſix pence.*	0	2	6
For his Diſcharge or Diſmiſſion, *one ſhilling and ſix pence*, to be paid as by Law already provided.	0	1	6

Grand Jurors Fees.

Foreman each Day *two ſhillings.*	0	2	0
Each other *one ſhilling and ſix pence.*	0	1	6

Petit Jurors Fees.

To the Foreman in every Caſe at the Superiour Court, *one ſhilling and three pence.*	0	1	3
To every other Juror, *one ſhilling.*	0	1	0
To the Foreman in every Caſe at the Inferiour Court or Seſſions, *one ſhilling.*	0	1	0
To every other Juror, *nine pence.*	0	0	9

For Marriages.

For each Marriage *two ſhillings and ſix pence,* out of which to be paid to the Town Clerk for recording *three pence,* and to the Clerk of the Seſſions for recording *three pence.*	0	2	6
To the Town Clerk for every Publiſhment of the Banns of Matrimony and entring thereof, *one ſhilling.*	0	1	0
Every Certificate of ſuch Publiſhment *nine pence.*	0	0	9
Recording Births and Deaths each *four pence.*	0	0	4
For a Certificate of the Birth or Death of any Perſon, *three pence.*	0	0	3
For every Search of Record when no Copy is required, *three pence.*	0	0	3

County Regiſters Fees.

For entring or recording any Deed Conveyance or Mortgage, for the firſt Page, *nine pence.*	0	0	9
And *ſix pence* a Page for ſo many Pages more as it ſhall contain accounting after the Rate of twenty eight Lines of eight Words to a Line to each Page, and proportionably for ſo much more as ſhall be under a Page,	0	0	6
and *three pence* for his Atteſtation on the Original of the Time Book and Folio where it is recorded.	0	0	3
And for Diſcharge of a Mortgage as aforeſaid, *ſix pence.*	0	0	6

Governour and Secretary's Fees.

To the Governour *five ſhillings* for Regiſters.	0	5	0
To the Secretary *two ſhillings and ſix pence.*	0	2	6
For Certificates under the Province Seal, to the Governour *five ſhillings.*	0	5	0
To the Secretary, *two ſhillings and ſix pence.*	0	2	6
For Warrants of Apprizement Survey, &c. to the Governour, *three ſhillings.*	0	3	0
To the Secretary, *three ſhillings.*	0	3	0
To the Governour for a Paſs to the Caſtle for each Veſſel, *one ſhilling and three pence,* Wood Sloops and other Coaſting Veſſels for which Paſſes have not been uſually required, excepted.	0	1	3
For a Certificate of Naval Stores in the whole *five ſhillings.*	0	5	0

And be it further enacted, That if any of the Officers aforeſaid ſhall demand and take any greater or other Fees for the Matters before-mentioned, or any of them, than are allowed to be demanded and taken by this Act, and ſhall be thereof convict, they ſhall forfeit and pay for each Offence the Sum of *ten Pounds* to be applied the one Moiety thereof for and towards the Support of this Government, and the other Moiety to him or them that ſhall ſue for the ſame, to be recovered by Action, Bill, Plaint, or Information in any Court of Record proper to try the ſame; and all Officers to whom any Warrant,

Summons,

Summons, Capias or Attachment ſhall be committed, and who ſhall receive Fees for the Service thereof, are hereby required without unneceſſary Delay to ſerve and execute the ſame on Forfeiture of *ten Pounds*, to be recovered and applied as aforeſaid, beſides making good ſuch Dammage as the Party may ſuſtain by ſuch Delay; provided in Civil Cauſes the Fees for Travel and Service be firſt tendred and paid if required by ſuch Officers.

This Act to continue and be in Force for the Space of one Year from the Publication thereof, and from thence to the End of the next Seſſion of the General Court and no longer. **Limitation.**

[*The foregoing Act was publiſhed* September 15. 1743.]

CHAP. II.

An Act for ſecuring the ſeaſonable Payment of Town and Precinct Rates or Aſſeſſments.

Preamble. *WHEREAS the Method directed to by Law and heretofore practiced by the Receivers or Treaſurers of Towns and Precincts hath been to ſue for and recover Town and Precinct Rates and Aſſeſſments or the Arrears thereof by mean Proceſs againſt the Conſtables or Collectors to whom they were committed to be gathered, who neglected their Duty therein, whereby the Payments of ſuch Rates or Aſſeſſments into the reſpective Town or Precinct Treaſuries hath been greatly delayed, to the grievous Dammage of many Places:*

To prevent which for the future;

Eſtates of delinquent Conſtables or Collectors liable to Diſtrain. **Be it enacted by the Governour, Council and Houſe of Repreſentatives,** That from and after the Publication of this Act if the Conſtable or Collector of any Town or Precinct within this Province (to whom any Town or Precinct Rates or Aſſeſſments have been committed to collect) ſhall be remiſs in his Duty by Law required, and neglect to collect ſuch Rates and Aſſeſſments as have been committed to him to collect, and to pay in the ſame to the Treaſurer or Receiver of ſuch Town or Precinct by the Time fixed in the Warrant to him directed, or within one Month next after the Expiration thereof, ſuch Treaſurer or Receiver is hereby impowered by Warrant under his Hand and Seal directed to the Sheriff of the County or his Deputy (who are hereby reſpectively directed and impowred to execute the ſame) to cauſe ſuch Sum or Sums of Money as ſuch Conſtable or Collector hath not paid in to be levied by Diſtreſs and Sale of his Eſtate Real or Perſonal, returning the Overplus (if any there be) and for want of ſuch Eſtate to take the Body of ſuch Conſtable or Collector, and to impriſon him until he pay the ſame.

Provided, This Act ſhall continue and be in Force for the Space of ten Years from and after the Publication thereof, and from thence to the End of the then next Seſſion of the General Court, and no longer. **Limitation.**

[*The foregoing Act was publiſhed* September 19. 1743.]

BOSTON: N. E.

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Order of His EXCELLENCY the GOVERNOUR, COUNCIL and Houſe
of REPRESENTATIVES. MDCCXLIII.

Summons, Capias or Attachment ſhall be committed, and who ſhall receive Fees for the Service thereof, are hereby required without unneceſſary Delay to ſerve and execute the ſame on Forfeiture of ten Pounds, to be recovered and applied as aforeſaid, beſides making good ſuch Dammage as the Party may ſuſtain by ſuch Delay; provided in Civil Cauſes the Fees for Travel and Service be firſt tendered and paid if required by ſuch Officers.

This Act to continue and be in Force for the Space of one Year from the Publication thereof, and from thence to the End of the next Seſſion of the General Court and no longer.

[*The foregoing Act was publiſhed September 15. 1743.*]

C H A P. II.

An Act for ſecuring the ſeaſonable Payment of Town and Precinct Rates or Aſſeſſments.

Preamble.

WHEREAS the Method directed by Law, and heretofore practiſed by the Receivers or Treaſurers of [illegible] *Warrants have been to iſſue for each* [illegible] *Town and Precinct Rates and Aſſeſſments or the Arrears thereof by mean Proceſs againſt the Conſtables or Collectors to whom they were committed to be gathered, who neglected their Duty therein, whereby the Payment of ſuch Rates or Aſſeſſments into the reſpective Town or Precinct Treaſuries hath been greatly delayed, to the grievous Dammage of many Towns:*

To prevent which for the future;

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That from and after the Publication of this Act, if the Conſtable or Collector of any Town or Precinct within this Province (to whom any Town or Precinct Rates or Aſſeſſments have been committed to collect) ſhall be remiſs in his Duty by Law required, and neglect to collect ſuch Rates and Aſſeſſments as have been committed to him to collect, and to pay in the ſame to the Treaſurer or Receiver of ſuch Town or Precinct by the Time fixed in the Warrant to him directed, or within one Month next after the Expiration thereof, ſuch Treaſurer or Receiver is hereby impowered by Warrant under his Hand and Seal directed to the Sheriff of the County or his Deputy (who are hereby reſpectively directed and impowered to execute the ſame) to cauſe ſuch Sum or Sums of Money as ſuch Conſtable or Collector hath not paid in to be levied by Diſtreſs and Sale of his Eſtate Real or Perſonal, returning the Overplus (if any there be) and for want of ſuch Eſtate to take the Body of ſuch Conſtable or Collector, and to impriſon him until he pay the ſame.

Rates of delinquent Conſtables or Collectors diſtrainable by Diſtreſs.

Provided, This Act ſhall continue and be in Force for the Space of two Years from and after the Publication thereof, and from thence to the End of the then next Seſſion of the General Court, and no longer.

Limitation.

[*The foregoing Act was publiſhed September 15. 1743.*]

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of REPRESENTATIVES. MDCCXLIII.